

Statement of Proffered Conditions
R.L. Rider Rezoning
PIN: 6981-32-7629
Case Number: REZN04-CR-007

R.L. Rider & Company, sole Owner and Applicant for the rezoning of the property identified on the tax maps of Fauquier County as PIN 6981-32-7629-000 (the "Property"), and their successors and assigns, hereby proffer that in the event the Property is rezoned by the Fauquier County Board of Supervisors to the requested I-1 (Industrial) Zoning Classification, then the development thereof shall be in conformity with the following conditions proffered pursuant to Virginia Code Ann. Section 15.2 - 2286 and Section 13 - 202 (2) (D) of the Fauquier County Zoning Ordinance. These conditions are voluntarily entered into by the owner and applicant. In the event that this rezoning is not granted, these proffers shall be deemed withdrawn, and of no force and effect.

1. The Concept Development Plan, dated June 7, 2004 and submitted with this rezoning, generally represents the proposed road alignment, subject to final lot layout and engineering considerations. All future industrial subdivision of the property and related site plans shall meet the then applicable requirements of the Fauquier County Zoning and Subdivision Ordinances.
2. Enhanced Setback for Certain Uses: The Zoning Ordinance requires a minimum side and rear yard setback of 75 feet for Commercial and Light Industrial uses when these uses adjoin rural or residential districts. The Applicant hereby proffers an additional 50-foot setback (a total of 125 feet) for all permitted Category 14 auto repair and /or auto body/painting establishments adjoining rural or residential districts. All other uses will employ the standard 75-foot yard requirements.
3. Retained Vegetation: Much of the property boundary adjoining the R-2 zoned parcel identified by PIN 6981-42-4791-000 is currently heavily vegetated with mature cedar trees and other indigenous plant species. The Applicant hereby proffers to retain this vegetation within the required 75-foot set-back area unless removal is necessary to meet grading or other requirements imposed by the Fauquier County Zoning Ordinance, Virginia Department of Transportation or other governmental or quasi governmental agencies.
4. Enhanced Screening of Residential Districts: Where the retention of existing vegetation allows, the Applicant hereby proffers to provide additional evergreen screening within the 75-foot setback area adjoining residential districts. Such screening shall consist of two rows of evergreen trees planted in a staggered pattern not more than 25 feet and not less than 15 feet on-center.
5. Right-of-way Reservation: The Comprehensive Plan for the Opal Service District contemplates a service drive planned to run parallel to Route 15/17/29 before bending to the southeast to connect to Clarke's Road. The Plan envisions this connection via a right-of-way passing through the subject property to provide an inter-parcel connection with one or more of the parcels identified by PINs: 6981-30-4818-000; 6981-31-9262-000; and 6981-42-4791-000, 6981-22-9110-000, 6981-34-7251-000, and 6981-21-9233-000. The Applicant hereby proffers the reservation of a right-of-way for future dedication to

facilitate the planned connection to Clarke's Road. Such right-of-way dedication shall be 50 feet in width along boundaries shared with adjacent properties and 60-feet in width where internal to the subject property. The actual location of the dedicated right-of-way will be determined by final site engineering. The right-of-way shall be dedicated to the County in conjunction with site plan approval or at some other time agreed to by the County and the Applicant during site plan approval.

Once made, this right-of-way dedication will become the property of the Fauquier Board of Supervisors for a period of 25 years unless developed as a public roadway during that 25-year period, at which time it would become a permanent right-of-way dedication. This dedicated roadway shall be constructed at such time as the south end of the property is developed. If not developed as a public roadway within the 25 year period, ownership of the dedicated right-of-way shall revert to the Applicant or surviving entity.

6. Accommodation of Comprehensive Plan Road Alignment: The Comprehensive Plan for the Opal Service District indicates that the proposed service drive paralleling Route 15/17/29 would be located along an existing C-2/RA zoning line that splits the adjacent property now owned by L.H. Eicher. The Applicant hereby proffers an internal road alignment that will facilitate the implementation of Comprehensive Plan's service road, such alignment to be in substantial compliance with the Concept Development Plan dated June 7, 2004.
7. The Applicant hereby proffers to either repair the existing pond, if it is to remain, or to drain and stabilize the pond area, meeting all federal, state, and local regulations/requirements within five (5) years of the first site plan approval on the rezoned property.
8. The Applicant hereby proffers that no surface water from the Property shall be permitted to flow across well head sites on adjacent property.
9. Pro Rata Share of Immediate Road Improvements: To facilitate the extension of the north bound right turn lane on Route 29 from the East Coast facility to the property's entrance, the Applicant hereby proffers to build that portion of the extended turn lane that will front the property.
10. Contributions to Future Road Improvements: Based on the assumption of revenue (cost) sharing between VDOT and Fauquier County, and contributions from all developers in the region, the following series of cash contributions to a (to be created) Opal Transportation Escrow Fund are hereby proffered in association the rezoning of and anticipated industrial development of the property:

Site Plan for R.L. Rider Facility: \$0

Site Plan Approval for each subsequent use, division, or conveyance: \$7,500

The monetary contributions proffered herein shall be adjusted annually for inflation pursuant to the Consumer Price Index (CPI-U), with the first adjustment occurring one year from the Board of Supervisor's approval date of the rezoning of which these proffers are part. In the event the Opal Transportation Escrow Fund is not utilized within 25 years from the date that this property is rezoned, for the road improvements set forth, the funds shall revert to the Applicant or surviving entity.

OWNER AND APPLICANT:

R.L. RIDER & COMPANY

By:


Charles W. Rider, President

DATE:

6-7-04

STATE OF: Virginia
COUNTY OF: Fauquier

The foregoing Statement of Proffered Conditions was signed before me this 7th
day of June, 2004, by Charles W. Rider, Owner and Applicant of
R.L. Rider & Company.


Notary Public

My Commission Expires:

03/31/06